

GREHER LAW OFFICES, P.C..
ATTORNEYS FOR DEBTORS
1161 LITTLE BRITAIN ROAD, SUITE B
NEW WINDSOR, NEW YORK 12553
(845) 567-1002
WARREN GREHER, ESQ. (7174)

DATE: **SEPTEMBER 25, 2018**
TIME: **9:15 A.M.**

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
In Re:

Case No. 18-35126 (CGM)

**THOMAS A. GIANNETTA
JANET GIANNETTA,**

CHAPTER 13

Debtors.

-----X

**NOTICE OF MOTION
APPLICATION FOR FINAL ALLOWANCE OF COMPENSATION**

TO THE HON. CECILIA G. MORRIS:

PLEASE TAKE NOTICE, upon the annexed Affirmation of Warren Greher, Esq., of Greher Law Offices, P.C., the undersigned will move this Court before the Hon. Cecelia G. Morris, United States Bankruptcy Judge, 355 Main Street, Poughkeepsie, New York on the **25th** day of **September 2018** at 9:15 o'clock in the forenoon, or as soon thereafter as counsel can be heard, for final allowance of compensation and expenses to attorneys for debtor under 11 USC Section 330 and 11 USC Section 503(a) and for such other and further relief as to the Court may seem just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be served upon and received by counsel or the debtor at the address indicated below and filed with the Court together with proof of such service, no later than three (3) days prior to the return date hereof.

Dated: September 6, 2018

s/ Warren Greher

WARREN GREHER, 7174

GREHER LAW OFFICES, P.C.

Attorneys for Debtors

1161 Little Britain Road, Suite B

New Windsor, New York 12553

(845) 567-1002

To:

Krista M. Preuss, Trustee
399 Knollwood Road
White Plains, New York 10603
(VIA ECF)

Office of the US Trustee
74 Chapel Street
Albany, New York 12207
(VIA ECF)

DEBTORS

ALL CREDITORS

GREHER LAW OFFICES, P.C..
ATTORNEY FOR DEBTORS
1161 LITTLE BRITAIN ROAD, SUITE B
NEW WINDSOR, NEW YORK 12553
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UNITED STATES BANKRUPTCY COURT
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Application of Greher Law Offices, P.C., by Warren Greher, respectfully alleges as follows:

1. Debtors filed a petition with this Court for relief pursuant to Chapter 13 of the United States Bankruptcy Code on **January 25, 2018**.
2. Your applicant, as a member of Greher Law Offices, P.C., has acted on behalf of the debtors and has been responsible for representing the debtors' estate throughout the Chapter 13 proceeding before this Court.
3. At the time of the filing of the bankruptcy petition herein, the debtors were the owners in fee simple of real estate located at **149 Lattintown Road, Newburgh, New York 12550**.
4. At the time of the filing, the residence was encumbered by a mortgage held by **Select Portfolio Servicing, Inc.** in the approximate amount of **\$254,000.00**. Select Portfolio Servicing, Inc. as Servicer for Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2004-NC8, Mortgage Pass-Through Certificates, Series 2004-NC8, filed a Proof of Claim as Claim No. **6** of the docket in the amount of **\$293,553.50**.
5. By filing the petition herein, the debtors, among other things, sought to reorganize their financial situation by applying to the Court's Loss Mitigation Program.
6. In furtherance thereof and, on behalf of the debtors, a loss mitigation application was made, which request was subsequently granted by the Court.

7. Despite the efforts of the undersigned applicant, the debtors were unsuccessful in obtaining a modification.

8. All of the additional work performed on behalf of the debtors was for the period of time of **January 13, 2018 through June 20, 2018.**

9. Your applicant, on behalf of the debtors, has expended an additional **10.3 hours** of work at an hourly rate of **\$375.00** per hour for a total of **\$3,862.50**. There were no additional expenses.

10. Annexed hereto and marked **Exhibit A** is a copy of my underlying retainer agreement. Further annexed hereto and marked **Exhibit B** are copies of my time records kept contemporaneously with the services rendered herein. Based on those time records, and at my hourly rate at that time at **\$375.00** per hour, I am seeking additional compensation in the sum of **\$3,787.50**. The Court's required spreadsheet is also annexed hereto, summarizing the above, and is marked **Schedule C**.

11. I previously received the sum of **\$3,890.00** in fees. I am currently seeking an additional **\$3,787.50** which brings a total of my fees with respect to this matter to the sum of **\$7,677.50**.

12. No previous allowance has been made to your applicant for the services rendered herein. No previous application has been made to this Court or any other Court for compensation.

13. I have not, in any form or guise, shared, or agreed to share compensation to be received by me or any other person for services rendered in connection with this matter.

14. There is no agreement or understanding prohibited by 18 USC Section 155.

WHEREFORE, your applicant respectfully requests the Court enter an Order under 11 USC Section 330 allowing final compensation for fees in the amount of **\$7,677.50**, less the sum of **\$3,890.00**, previously paid, and for such other and further relief as the Court deems just and proper.

s/ Warren Greher

WARREN GREHER

Affirmed: September 6, 2018

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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CERTIFICATION

Warren Greher, of Greher Law Offices, P.C., hereby certifies that I am an attorney familiar with this matter and charged with the responsibility of this case in compliance with the guidelines for fees and disbursements for professionals in the Southern District of New York bankruptcy cases.

1. I have read the application; to the best of my knowledge the information in support therein complies with all of the mandatory guidelines.

2. To the best of my knowledge based upon reasonable inquiry, the fees sought herein fall within those guidelines.

3. The fees sought herein are in accordance with the practices customarily employed by your applicant and are generally accepted by your applicant's clients.

4. The underlying application was served upon the Chapter 13 Trustee, Krista Preuss, the United States Trustee, the Debtors herein, and all underlying creditors.

s/ Warren Greher

WARREN GREHER

STATE OF NEW YORK)
COUNTY OF ORANGE) ss.:

I, Amy L. Becker, being sworn, say: I am not a party to the action, am over 18 years of age and am employed at Greher Law Offices, 1161 Little Britain Road, Suite B, New Windsor, Orange County, New York.

On **September 6, 2018**, I served the annexed **Application for Final Allowance of Compensation** by ECF, or by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to the following person and or Presidents of the companies at the last known address set forth after the name:

KRISTA M PREUSS - TRUSTEE (VIA ECF)

OFFICE OF THE US TRUSTEE (VIA ECF)

ALLY BANK/ALLY FINANCIAL
ATTN PRESIDENT
425 PHILLIPS BLVD
TRENTON NJ 08618

DEUTSCHE BANK NATIONAL TRUST CO AS
TRUSTEE FOR MORGAN STANLEY ABS CAP
300 SOUTH GRAND AVE - 41ST FL
LOS ANGELES CA 90071

FIRST INVESTORS SERVICING CORP
ATTN PRESIDENT
380 INTERSTATE N PKWY - STE 300
ATLANTA GA 30339

INTERNAL REVENUE SERVICE
ATTN DIRECTOR
111 CONSTITUTION WAY NW
WASHINGTON DC 20224

INTERNAL REVENUE SERVICE
ATTN CHANTEL WESTON- BKY SPECIALIST
2 METROTECH CENTER
BROOKLYN NY 11201

SELECT PORTFOLIO SERVICING INC
ATTN PRESIDENT
3217 S DECKER LAKE DR
SALT LAKE CITY UT 84119

SHAPIRO DICARO & BARAK LLC
(VIA ECF)

US ATTORNEY'S OFFICE
300 QUARROPAS STREET
WHITE PLAINS NY 10601

WELLS FARGO DEALER SERVICES
ATTN PRESIDENT
420 MONTGOMERY ST
SAN FRANCISCO CA 94104

s/ Amy L. Becker

Amy L. Becker

Sworn to before me on
September 6, 2018.

s/ Warren Greher

Notary Public

Warren Greher
Notary Public, State of New York
No. 4625563
Qualified in Orange County
Commission Expires September 30, 2018